

### **III. REMARKS**

1. Claims 1-5, 7-13, 15, 17-32 and 34-35 are not unpatentable over Byrne in view of Huang and Suk (U.S. 6,707,803) under 35 U.S.C. §103(a).

As noted in the prior responses, the combination of Byrne and Huang does not disclose or suggest each feature recited by Applicant in the claims. The combination of these references with Suk also does not disclose or suggest each and every feature recited by Applicant in the claims.

The Examiner cites to Suk for the teaching that a criterion for the intersystem handover is one of a requested content, a requested access point, a requested uniform resource location and a requested internet protocol address. It is respectfully submitted that this is not disclosed or suggested by Suk.

Suk relates to performing a soft hand-off when a mobile station requires the hand-off while traveling from one cell to another cell. (Col. 1, lines 44-49). In Suk, a hand-off request is sent by the TSB to the CCP 5 depending on a pilot strength measurement message (PSMM) from a mobile station. (Col. 3, line 65 to Col. 4, line 20). As shown in FIG. 4, the pilot strength measurement message (PSMM) is sent to the TSB. The TSB then sends the handoff request message S2 in dependence on the PSMM. No other criterion is noted, and certainly not one of a request content, as claimed by Applicant.

In Suk, the criterion for the handover is a pilot strength measurement in a PSMM, which is not what is recited by Applicant in the claims. Suk does not disclose or suggest that a criterion for the intersystem handover is one of a requested content, requested access point, requested uniform resource locator and an internet protocol address.

The Examiner refers to Col. 6, lines 23-50 as supporting this proposition. However, this portion of Suk only discloses means for receiving a hand-off request from a transcoding selector bank. There is no discussion here related to the criterion for the handover. Suk only discusses that there are means for determining whether a hand-off made in

response to the hand-off request is to be performed by a soft or hard process by verifying the availability of a link between networks. This portion also does not disclose or suggest the handover criterion as claimed by Applicant.

Thus, since neither Byrne, Huang nor Suk teach at least this feature claimed by Applicant, their combination cannot as well. Therefore, claim 1 is not unpatentable over Byrne, Huang and Suk.

Claims 22, 26, 32 and 34 are also not unpatentable for similar reasons. Claims 2-5, 7-13, 15, 17-21, and 23-31 should be allowable at least by reason of their respective dependencies.

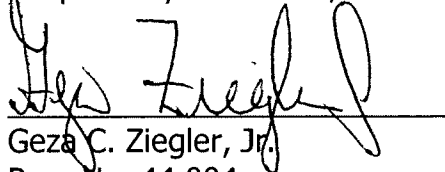
It is also submitted that there is no motivation to combine Byrne, Huang and Suk. The Examiner states that it would be obvious to make this combination to increase system flexibility. However, it respectfully submitted that this is not a statement of motivation to combine as required for purposes of 35 U.S.C. §103(a). At most it is a statement of an unrealized benefit or an unexpected advantage. What does "system flexibility" mean? Motivation under 35 U.S.C. §103(a) requires a specific reason to combine the references. "System flexibility" is not a reason. It can only be considered a statement of a benefit that might be realized, and is not, and cannot be, a reason why one would look from the combination of Byrne and Huang to Suk, in an effort to achieve what is claimed by Applicant. At most, it would only be with hindsight knowledge of Applicant's claimed subject matter that one would realize "system flexibility" as a potential advantage of the combination. However, without some further suggestion, this does not satisfy the requirements for 35 U.S.C. §103(a).

Thus, the combination of Byrne, Huang and Suk does not disclose or suggest each and every feature claimed by Applicant and there is no motivation to combine Suk with Byrne and Huang. Therefore a *prima facie* case of obviousness under 35 U.S.C. §103(a) cannot be established. Accordingly, all of the claims should be allowable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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